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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/940,924	08/29/2001	Masaharu Nishida	NIP-241	5829
24956 7590 07/27/2007 MATTINGLY, STANGER, MALUR & BRUNDIDGE, P.C. 1800 DIAGONAL ROAD SUITE 370 ALEXANDRIA, VA 22314			EXAMINER CHAMPAGNE, LUNA	
			ART UNIT 3627	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<p align="center">Office Action Summary</p>	Application No. 09/940,924	Applicant(s) NISHIDA ET AL.	
	Examiner Luna Champagne	Art Unit 3627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 03 April 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 22-27 is/are pending in the application.
- 4a) Of the above claim(s) 25-27 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 22-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 • Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>2/7/07</u> . | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
5) <input type="checkbox"/> Notice of Informal Patent Application
6) <input type="checkbox"/> Other: _____. |
|--|---|

DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of claims 22-24 in the reply filed on 04/03/2007 is acknowledged. The Amendment to the Specifications is also acknowledged. Claims 25-27 are withdrawn from further consideration.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
3. Claim 24 recites the limitation "said supply status" in line 13. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
5. Claims 22-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Balisky (6,521,112 B1), in view of Wolozin et al. (6,780,971 B2), as supported by the provisional application (60/217319), in view of Salvo et al. (6,341,271 B1).

Balisky discloses a method of managing reagents used in an analyzer (*a method of controlling the content of a chemical bath- see e.g. col. 1 lines 49-50, via an analyzer – see col. 10, lines 59*) with the steps of: monitoring consumption status of reagents so as to receive information on said consumption status (*monitoring the consumption of electrical energy by the*

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chemical bath- see e.g. col. 1, lines 66-67); receiving information on said consumption status and transmitting said consumption status of said reagents or supply management information thereof to a management unit of said analyzer or a supply management unit of said reagent suppliers (*The analyzer is connected to the manager, via a RS422 data transfer arrangement – see e.g. col. 11, lines 34-45*); confirming said supply status (*send responses or status*) based on said supply management information of said reagent (*see e.g. col. 2, lines 66-67*).

Balisky does not specifically disclose the step of analyzing said consumption status of said reagents according to reagent suppliers and said reagents supplied by said reagent suppliers, based on planned information of said consumption status.

However, Wolozin et al. disclose the step of analyzing said consumption status of said reagents according to reagent suppliers and said reagents supplied by said reagent suppliers, based on planned information of said consumption status (*see e.g. col. 11, lines 33-36*).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention, to modify Balisky et al., and include the step of analyzing said consumption status of said reagents according to reagent suppliers and said reagents supplied by said reagent suppliers, based on planned information of said consumption status, as taught by Wolozin et al., in order to obtain better accuracy during analysis.

Balisky, in view of Wolozin et al., do not specifically disclose the step of transmitting said consumption status of said reagents or supply management information thereof to a management unit of said analyzer and a supply management unit of a reagent vendor for relaying it to said reagent suppliers.

However, Salvo et al. disclose the step of transmitting said consumption status of said reagents or supply management information thereof to a management unit of said analyzer and a supply management unit of a reagent vendor for relaying it to said reagent suppliers (*The*

analyzed information provides plant management and vendors with reliable, statistically based recommendations for inventory decisions, manufacturing schedules, and other manufacturing related needs – see e.g. col. 8, lines 1-4).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention, to modify Balisky et al., in view of Wolozin et al., and include the step of transmitting said consumption status of said reagents or supply management information thereof to a management unit of said analyzer and a supply management unit of a reagent vendor for relaying it to said reagent suppliers, as taught by Salvo et al., in order to provide all parties involved with the necessary information for decision making.

6. Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Balisky (6,521,112 B1), in view of Wolozin et al. (6,780,971 B2), as supported by the provisional application (60/217319), in view of Salvo et al. (6,341,271 B1), and in further view of Hosomi (2004/0220745 A1).

7. Balisky discloses a method of managing reagents used in an analyzer (*a method of controlling the content of a chemical bath- see e.g. col. 1 lines 49-50, via an analyzer – see col. 10, lines 59*) with the steps of: monitoring consumption status of reagents so as to receive information on said consumption status (*monitoring the consumption of electrical energy by the chemical bath- see e.g. col. 1, lines 66-67*); receiving information on said consumption status and transmitting said consumption status of said reagents or supply management information thereof to a management unit of said analyzer or a supply management unit of said reagent suppliers (*The analyzer is connected to the manager, via a RS422 data transfer arrangement – see e.g. col. 11, lines 34-45*); confirming said supply status (*send responses or status*) based on said supply management information of said reagent (*see e.g. col. 2, lines 66-67*).

Balisky does not specifically disclose the step of analyzing said consumption status of said reagents according to reagent suppliers and said reagents supplied by said reagent suppliers, based on planned information of said consumption status.

However, Wolozin et al. disclose the step of analyzing said consumption status of said reagents according to reagent suppliers and said reagents supplied by said reagent suppliers, based on planned information of said consumption status (see e.g. col. 11, lines 33-36).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention, to modify Balisky et al., and include the step of analyzing said consumption status of said reagents according to reagent suppliers and said reagents supplied by said reagent suppliers, based on planned information of said consumption status, as taught by Wolozin et al., in order to obtain better accuracy during analysis.

Balisky, in view of Wolozin et al., do not specifically disclose the step of transmitting said consumption status of said reagents or supply management information thereof to a management unit of said analyzer and a supply management unit of a reagent vendor for relaying it to said reagent suppliers.

However, Salvo et al. disclose the step of transmitting said consumption status of said reagents or supply management information thereof to a management unit of said analyzer and a supply management unit of a reagent vendor for relaying it to said reagent suppliers (*The analyzed information provides plant management and vendors with reliable, statistically based recommendations for inventory decisions, manufacturing schedules, and other manufacturing related needs – see e.g. col. 8, lines 1-4*).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention, to modify Balisky et al., in view of Wolozin et al., and include the step of transmitting said consumption status of said reagents or supply management information

thereof to a management unit of said analyzer and a supply management unit of a reagent vendor for relaying it to said reagent suppliers, as taught by Salvo et al., in order to provide all parties involved with the necessary information for decision making.

Balisky, in view of Wolozin et al. and Salvo et al., do not specifically disclose the step of requesting payment in consideration of use of said information in monitoring said consumption status and in analyzing said consumption status of said reagents, from an analyzer administrator, said reagent suppliers or said reagent vendor.

However, Hosomi discloses the step of requesting payment in consideration of use of said information in monitoring said consumption status and in analyzing said consumption status of said reagents, from an analyzer administrator, said reagent suppliers or said reagent vendor (*paying an additional charge when it is judged that the information on the guarantee number of measurements should be updated – see e.g. paragraph 0040*).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention, to modify Balisky et al., in view of Wolozin and Salvo et al., and include the step of requesting payment in consideration of use of said information in monitoring said consumption status and in analyzing said consumption status of said reagents, from an analyzer administrator, said reagent suppliers or said reagent vendor, as taught by Hosomi, in order for the provider to realize a profit.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Luna Champagne whose telephone number is (571) 272-7177. The examiner can normally be reached on Monday - Friday 8:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Florian Zeender can be reached on (571) 272-6790. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Luna Champagne
Examiner
Art Unit 3627

July 11, 2007

 7/17/07
F. RYAN ZEENDER
SUPERVISORY PATENT EXAMINER